

REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated November 4, 2004 has been considered by the Applicants. Claims 1-16 are pending in the present application for invention. Claims 1, 2, 5-9 and 12-16 are rejected by the November 4, 2004 Final Office Action. Claims 3, 4, 10 and 11 are objected to as being dependent on a rejected claim. The foregoing amendment adds the limitations of Claim 4 to Claim 1 and the limitations of Claim 11 to independent Claim 11. Claims 4 and 11 are cancelled by the foregoing amendment.

Claims 13 and 16 have been objected to by the Final Office Action. The foregoing amendment has corrected the oversights within Claims 13 and 16 that was the cause of the objections in the Final Office Action.

The Final Office Action rejects Claims 1, 2, 5-9 and 12-16 under the provisions of 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,091,691 issued to Yoo et al. (hereinafter referred to as Yoo et al.), in view of U.S. Patent No. 6,201,780 issued to Katayama (hereinafter referred to as Katayama). The Examiner's position is that it would have been obvious to a person of ordinary skill within the art at the time the invention was made to create the invention as recited by the rejected claims by modifying the phase structure of Yoo et al. to include a plurality of concentric area inducing a wavefront deviation in the first radiation beam that globally approximates a flat wavefront deviation as taught by Katayama, the motivation being for the flat wavefront deviation to be globally approximated so that the focal point of the first radiation beam is globally optimized. As discussed in the Applicants' previous response, the Applicants disagree with this position. However, in an effort to move this case towards allowance, the foregoing amendment has added the features of Claim 4 and 1 to the independent claims from which they depend. The Examiner has stated in the Final Office Action that Claims 4 and 11 recite subject matter that is allowable.

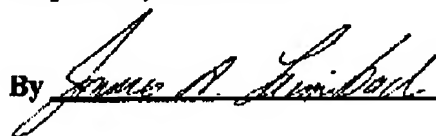
The remaining claims depend from and further narrow and define

independent Claim 1 and 8 that, after amendment, respectively include the features of Claim 4 and 11. Therefore, the remaining claim are also believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

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